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CONCERNING A PRETENDED RIGHT TO LIE FROM MOTIVES OF HUMANITY.

Translated from the German of IMMANUEL KANT, by A. E. KROEGER.

In the work, "*France in the Year 1797*," Sixth Part, No. 1, "*Concerning Political Reactions*," by Benjamin Constant, the following passage occurs on page 123:

"The moral principle, that it is a duty to tell the truth, would, if taken unconditionally and separately, make all society an impossibility. Of this we have a proof in the very immediate consequences which a German philosopher has drawn from this principle; he going so far as to maintain, that a lie—told to a murderer, who asks us whether a friend of ours, whom he is persecuting, has not hidden himself in our house—would be a crime."*

On page 124, the French philosopher refutes this principle in the following manner:

"It is a duty to tell the truth. The conception of duty is inseparable from that of right or law. A duty is that which corresponds in one being to the rights of another. Where there are no rights there are no duties. Hence it is a duty to tell the truth, but a duty only towards him who has a right to the truth. But no man has a right to a truth which harms others."

The *πρῶτον ψεῦδος*, or first error, lies here in the proposition "*that it is a duty to tell the truth, which we owe only to him who has a right to the truth*."

It is to be remarked, first, that the expression "to have a right to a truth" is a phrase without any sense. One ought rather to say that man has a right to his own veracity, i.e. to the subjective truth in his person. For that I have a right objectively to a truth means: I depend—altogether as in the mine and thine—upon my *will* whether a given proposition is to be true or false; which would establish a strange logic.

Now the first question is, whether a man has the authority, or the right, to be untruthful in cases where he cannot escape answering by either Yes or No. The second question is, whether he is not even obliged to be untruthful in that state-

I hereby acknowledge that I really said this in some sentence, which I cannot, however, now recall to mind.—I. KANT.

ment, which an unjust compulsion forces him to make, for the purpose of preventing a threatened crime to be committed upon either him or another.

Truthfulness in statements which we cannot avoid making is the formal duty which each one owes to all men,* no matter how great a disadvantage may result therefrom to him or to another; and although I inflict no wrong upon the person who unjustly compels a statement from me, by falsifying it, I yet by such a falsification—which may, therefore, be also called a lie, though not in a legal sense—commit a general wrong. Namely, in this: I do all in my power to bring about a state of things wherein no statement whatever any longer finds belief, hence wherein all rights based upon agreements crumble away and lose their power, which is a wrong committed upon mankind in general.

Hence the lie, defined simply as a wilful untrue statement made to another man, needs not the additional definition that it must inflict harm upon another, as the lawyers define it: *mendacium est falsiloquium in prejudicium alteris*. For it always hurts another; and if not another man, at least mankind in general by making the source of all right useless.

This good-humored lie may, however, become punishable, by accident (*casus*), under civil law, since that which escapes punishment merely by accident can also be adjudged a wrong by external laws. For instance: if you by telling a lie have prevented some one, who intended to commit murder, from the deed, then *you* are legally responsible for all the consequences that may arise from your lie; whereas, if you keep strictly to the truth, public justice can prefer no charge against you, let the unforeseen results be what they may. It is quite possible, that, after you have honestly replied to the murderer, upon his asking whether his intended victim is in your house, by saying Yes, the person may have escaped from your house unobserved and thus avoided the murderer, in which case the deed would be prevented; whereas, if you had told a lie and said that the person was not in

* I do not like here to carry the principle so far as to say: *untruthfulness* is a violation of the duty one owes to himself. For this duty belongs to morality; but here we speak only of a legal duty. Morality considers in every wrong only the turpitude which the liar draws upon himself.

your house, whilst he has really escaped—although unknown to you—and the murderer had met and killed him, you could justly be charged with the death of the victim. For if you had stated the truth to the best of your knowledge, the murderer, in looking up his victim in your house, might have been caught by the arrival of some of your neighbors, and the deed might thus have been prevented. Hence whosoever *lies*—no matter with what good intention—is legally amenable to and must suffer the consequences of his lie before a civil tribunal, however unforeseen these consequences may have been. For truthfulness is a duty which must be considered as the basis of all duties that are based upon agreements, the law of which agreements would become utterly uncertain and useless if the least exception were admitted.

Hence it is a holy—unconditionally commanding, and by no conveniences to be limited—Imperative of reason to be *truthful*—that is, honest—in all our statements. Quite just and at the same time correct is M. Constant's remark concerning the decrival of such strict principles, of which it is said that they lose themselves in impracticable ideas, and should, therefore, be discarded. He says:

“Whenever a principle, that has been proved to be true, seems to be inapplicable, it is because we do not know the *middle principle*, which contains the means of application.”

He cites the doctrine of Equality, as forming the first link of the social chain, thus:

“No man can be bound by other laws than those which he has assisted to frame.. Nevertheless, although in a very limited society this principle can be immediately applied, and needs no middle or mediating principle in order to become universal, still in a very numerous society must be added a new and mediating principle, namely, that the individual men can assist in the framing of laws either in their own person or by *representatives*. Whosoever should try to apply the first principle to a numerous society without adding the other mediating one, would inevitably bring about the ruin of that society. Yet this circumstance would prove only the ignorance or inability of the legislator, but would prove nothing against the principle itself.”

M. Constant concludes thus:

“A principle that has been recognized as true must, therefore,

never be abandoned, no matter what apparent danger it seems to incur."

And yet the good man had just before repudiated the unconditional principle of truthfulness on account of the danger it seemed to threaten society, and only because he could discover no middle principle which might seem calculated to prevent this danger, and because really there is no such middle principle to be inserted here.

Adopting M. Constant's terminology, the "French philosopher" mistook the act whereby some one harms (*nocet*) another in telling a truth which he cannot avoid stating, with an act whereby he wrongs (*lædit*) another. It was simply an accident (*casus*) that the truthfulness of the statement harmed the refugee of the house, and it was in no manner a free *deed*, in legal meaning. For a pretended right to demand of another that he should lie for my benefit, would involve results opposed to all justice. But every man has not only a right but the strictest duty to be truthful in his statements, and this duty he cannot avoid whether it harms him or others. Hence he himself does not inflict harm upon whomsoever may suffer from that truthfulness; the harm is *caused* by accident. For he who acts is not free to choose; truthfulness being his unconditional duty, if he is bound to speak at all.

Hence the "German philosopher" cannot admit this proposition: "To tell the truth is a duty only towards him who has a right to the truth"; firstly, because its formula is not clear, since truth is not a possession to which we may deny the right to one and admit it to the other; but, secondly and chiefly, because the duty of truthfulness—of which alone we speak here—makes no distinction between persons to whom we may owe this duty and those toward whom we may repudiate it, but is an *unconditioned* duty which is valid in all circumstances.

Now, in order to proceed from a *Metaphysic of Rights*—which abstracts from all conditions of experience—to a *Fundamental Principle of Policy*—which applies the conceptions of that *metaphysic* to cases of experience—and thus to arrive at the solution of the problem of such a *policy* which shall be

conformable to the *Metaphysic of Rights*, the philosopher must furnish :

1. *An Axiom*—that is, an apodictically certain proposition—which results immediately from the definition of External right. In other words, a harmony of the freedom of each individual with the freedom of every one according to a general law.

2. *A Postulate*—of the external public law, as the united will of all according to the principle of *Equality*, without which there would be no freedom of any single individual.

3. *A Problem*—what must, therefore, be done in order to establish harmony, according to the principles of freedom and equality, in ever so large a society ; that is, by means of a representative system.

This result or means would then become the fundamental principle of policy or politics, and the establishment and regulation whereof, obtained from an empirical knowledge of men, would have in view only the mechanism of the administration of law, and how that might be best effected. Right must never be made to conform to policy, but policy must always be made to conform to right.

M. Constant says : “A principle recognized as ‘true’—and I add, an *à priori* recognized and hence apodictic principle—“must never be abandoned, no matter how apparently it incurs danger.”

But here we ought to interpret the word “danger” as relating not to any—accidental—*harm*, but, generally, to *doing wrong*. The latter would occur if I were to make the duty of truthfulness, which is altogether unconditioned and which in statements is the supreme legal condition, a conditioned and subordinate duty. But furthermore, although by telling a certain lie I may really not do any one any wrong, yet I violate thereby the principle of right *generally* in regard to all absolutely necessary statements—I do a wrong *formaliter*, though not *materialiter*—which is much worse than to do an injustice to somebody, since such an injustice does not always presuppose an intention in principle on the part of the subject.

Whoever does not listen, with indignation at the expressed

suspicion that he might be a liar, to an inquiry whether in his now-to-be-made statement he intends to be truthful or not, but rather asks for permission to consider whether there might not be possible exceptions to his truthfulness, is already a liar *in potentia*; since he shows that he does not recognize truthfulness as a duty in itself, but keeps in mind exceptions to a rule which in its nature admits of no exceptions, since in admitting them it would directly contradict itself.

All legal-practical principles must contain strict truth, and the here so-called middle principle can contain only a closer determination of their application to occurring cases according to rules of policy, but never exceptions, since exceptions annihilate that universality on account whereof alone they are called *principles*.

THE REJECTED LOVER.

By JOHN ALBEE.

I heard that in this land were many poor,
Therefore I sought them out from door to door.

Methought I had a gift would comfort give,
And make them wish on earth to longer live.

My gift I offered freely everywhere
To those who some deep want did seem to bear,
But all in vain; for only ampler store
Of gold they wished whereby to heap up more.

My gift was love—which they must needs pass by
Since it exacts the largest usury.
